

ORDINANCE CREATING AND REGULATING THE PRIVY COUNCIL.

Whereas We deem it expedient to consult personages who have rendered signal services to the State, and to avail Ourselves of their valuable advice on matters of State, we hereby establish Our Privy Council, which shall henceforth be an institution of Our supreme counsel; and We hereby also give Our Sanction to the present Ordinance relating to the organization of the said Privy Council and to the Regulations of the business thereof, and order it to be promulgated.

(The Imperial Sign-Manual)

ORGANIZATION OF THE PRIVY COUNCIL

Chapter I

Constitution

Article I. The Privy Council shall be the place at which it will be the Emperor's pleasure to attend and there hold consultation on important matters of State.

Article II. The Privy Council shall be composed of a President, a Vice-President, twenty-four Councillors, a Chief Secretary and Secretaries. The number of full-time Secretaries shall be fixed at three.

Article III. The President, Vice-President, and Councillors of the Privy Council shall be of Shinnin rank, the Chief Secretary of Chokunin rank, and the Secretaries of Sonin rank.

Article IV. No one who has not reached the fortieth year of his age shall be eligible to be appointed President, Vice-President or a Councillor of the Privy Council.

Article V. There shall be one full-time Private secretary of the President in the Privy Council, who shall be of Sonin rank.

Article V-2. There shall be one full-time Associate Secretary in the Privy Council, who shall be of Sonin rank.

Chapter II

Functions

Article VI. The Privy Council shall hold deliberations, and present its opinions to the Emperor for his decision on the under-mentioned matters :--

1. Matters which are under the jurisdiction of the Privy Council according to the Constitution and the Imperial Household Ordinances, and Ordinances that are especially referred to the Privy Council by the Emperor.
 2. Drafts and doubts with reference to the articles of the Constitution
 3. Laws and Imperial Ordinances incidental to the Constitution
 4. Amendment of the organization and the regulations for the conduct of business of the Privy Council.
 5. Imperial Ordinances as provided for in Articles 8 and 70 of the Constitution.
 6. Conclusion of international treaties.
 7. Proclamation of martial law as provided for in Article 14 of the Constitution.
 8. Important Imperial Ordinances concerning education.
 9. Important Imperial Ordinances concerning the organization of various branches of administration and other official regulations.
 10. Imperial Ordinances concerning the causes of honors and amnesty.
 11. Matters other than those listed in the preceding Numbers and especially referred to the Privy Council by the Emperor.
- VII. (deleted).

Article VIII. Though the Privy Council is the Emperor's highest resort of counsel, it shall not interfere with the executive.

Chapter III

Deliberations and Business

Article IX. The deliberations of the Privy Council cannot be opened unless ten or more Privy Councillors are present at the time.

Article X. The deliberations of the Privy Council shall be presided over by the President. When the President is prevented from doing so by unavoidable circumstances, the Vice-President shall preside over the deliberations; and in case the Vice-President is also prevented they shall be presided over by one of the Privy Councillors according to the order of their precedence.

Article XI. The Minister shall be entitled by virtue of their office to sit in the Privy Council as Councillors, and shall have the right to vote. The Ministers may send their representatives to the deliberations of the Privy Council, who shall have the right to there make speeches and explanations but such representatives shall not have the right to vote.

Article XII. Debates in the Privy Council shall be decided by a majority of the members present. In case of an equal division of votes the presiding official shall have the deciding vote.

Article XIII. The President shall have the supreme control of all the business of the Privy Council and shall sign every official document proceeding from the Council.

The Vice-President shall assist the President in the discharge of his duties.

Article XIV. The Chief Secretary shall manage all ordinary business of the Privy Council, under the direction of the President, shall countersign every official document issuing from the Privy Council, shall investigate matter to be submitted to deliberation, shall prepare reports, and shall have a seat in the assembly during deliberations that he may offer needed explanations, but he shall not have the power to vote.

The Secretaries shall take minutes of the proceedings, and shall assist the Chief Secretary in the discharge of his duties. When the Chief Secretary is prevented from discharging his duties, one of the Secretaries shall represent him therein.

In the minutes referred to in the preceding Paragraph, there shall be mentioned the names of those present at the proceedings, the essential points of the matters that have been under discussion, of questions that have been propounded and of replies that have been made thereto, and if decisions arrived at.

Article XIV-2. The Private Secretary of the President shall take charge of affairs of the Secretariat of the President.

Article XIV-3. The Associate Secretary shall take charge of affairs by order of his superiors.

Article XV. Except in special cases, no deliberation can be opened unless reports of any investigation that may have been ordered have been prepared and forwarded to each member of the Privy Council together with the documents necessary for due deliberation.

The order of the day and reports are to be previously forwarded to the Minister.

REGULATIONS FOR THE CONDUCT OF BUSINESS OF THE PRIVY COUNCIL

Article I. The Privy Council shall formulate its opinion on matters submitted to its deliberation by order of the Emperor.

Article II. The Privy Council cannot receive petitions, representations, or other communications from the Imperial Diet, from either House of the same, from any Government Office, or from any of Japanese subjects whatever.

Article III. The Privy Council shall have official connection with the Cabinet and with the Minister only, and officially shall not communicate or have any connection whatever with the Imperial Diet or any of Japanese subjects.

Article IV. The President of the Privy Council shall cause the Chief Secretary thereof to investigate matters submitted to the Privy Council, and also to prepare reports on matters to be submitted to its deliberation.

In case the President deems it necessary he may undertake himself to prepare the above-mentioned reports, or he may appoint one or more of the Privy Councillors for the purpose.

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Article V. Reports of investigations shall be forwarded to the President by the person charged with the preparation thereof.

In case requiring expedition such reports may be made orally. In these cases the essential points of the matters reported upon shall be briefly stated in the record herein referred to in Article III.

Article VI. The President may fix the period within which reports of investigation shall be made. The reports shall be prepared with as much dispatch as possible, and no procrastination is allowable.

The Cabinet may, in regard to matters of urgent importance, address communications of that nature to the Privy Council and may also fix the time of deliberation thereon.

Article VII. Copies of reports of investigations, together with copies of accompanying papers, shall be forwarded to each one of the members of the Privy Council, at least three days previous to the opening of the deliberations on the matters in question.

Article VIII. A record shall be kept in chronological order of the deliberations to be held. The matters to be inserted in the said record are:--

1. The nature of the matters to be deliberated upon.
2. The date of the forwarding of papers previous to the opening of the deliberations.
3. The date of actual deliberation, and so forth.

An order of the day, similar in form to the records mentioned in the preceding section, shall be prepared concerning each and every matter to be submitted to deliberation.

The said order of the day shall be forwarded to each member of the Privy Council three days previous to the opening of the deliberations thereon. The forwarding of the said order of the day shall also be regarded as an order to personally attend at the deliberations in question.

Article IX. The days and hours of the deliberations of the Privy Council shall be fixed by the President. The Minister may, however, request that the day and hour be changed.

Article X. The deliberations of the Privy Council shall be conducted by the President or the Vice-President in conformity with the following rules:--

The President shall cause the Chief Secretary to briefly state the nature of the matter in hand. Upon this members present shall be free to engage in debate on the subject, but none of them shall be allowed to speak without having first obtained the permission of the President. The President shall also be free to take part in the debate. When the debate has concluded the President shall state the question and take the votes thereon. The President shall declare the result of the vote.

Article XI. When a debate on any matter mentioned in the order of the day has not been concluded in one day it may be continued at another meeting. But in that case the formality mentioned above need not be repeated.

Article XII. Decisions arrived at in the Privy Council, by result of the vote case, shall be reduced to writing by the Chief Secretary or the Secretaries, and that statement shall be submitted to the President. The said written decision shall have appended to it the reasons that conduced to it; and, in the case of highly important matters, a memorandum stating the essential points of the debate shall accompany it.

Members present who entertain an opinion opposed to the decision arrived at may request the recording of their votes, and of the reasons for their opinion, in the reports of the debates, in the documents stating the reasons for the opinion of the Privy Council, or in the memorandum stating the essential points of the debate.

Article XIII. The decision mentioned in the preceding article shall be presented to the Emperor, and at the same time a copy thereof shall be forwarded to the Prime Minister.

Article XIV. The reports of the debates of the Privy Council shall be signed by the President and the Chief Secretary or the Secretaries present, in order to secure their accuracy and trustworthiness.

樞密院官制

第一章 組織

第一條 樞密院ハ天皇親臨シテ重要ノ國務ヲ諮詢スル所トス

第二條 樞密院ハ議長一人副議長一人顧問官二十四人書記官長一人及

書記官ヲ以テ組織ス

書記官ハ專任三人トス

第三條 樞密院ノ議長副議長顧問官ハ親任書記官長ハ勅任書記官ハ奏任トス

第四條 何人タリトモ年齢四十歳ニ達シタルモノニ非サレハ議長副議長及顧問官ニ任スルコトヲ得ス

第五條 樞密院ニ議長秘書官ヲ置ク專任一人奏任トス

第五條ノ二 樞密院ニ理事官ヲ置ク專任一人奏任トス

第二章 職掌

第六條 樞密院ハ左ノ事項ニ付諮詢ヲ待テ會議ヲ開キ意見ヲ上奏ス

一、皇室典範及皇室令ニ於テ樞密院ノ權限ニ屬セシメタル事項竝ニ特ニ諮詢セラレタル皇室令

二、帝國憲法ノ條項ニ關スル草案及疑義

三、帝國憲法ニ附屬スル法律及勅令

四、樞密院ハ官制及事務規程ノ改正

五、帝國憲法第八條及第七十條ノ勅令

六、國際條約ノ締結

七、帝國憲法第十四條ノ戒嚴ノ宣告

八、教育ニ關スル重要ノ勅令

九、行政各部ノ官制其ノ他ノ官規ニ關スル重要ノ勅令

十、榮典及恩赦ノ基礎ニ關スル勅令

十一、前各號ニ掲ゲタルモノノ外特ニ諮詢セラレタル事項

第七條 削除

第八條 樞密院ハ行政及立法ノ事ニ關シ天皇ノ至高ノ顧問タリト雖モ

施政ニ干與スルコトナシ

第三章 會議及事務

第九條 樞密院ノ會議ハ顧問官十名以上出席スルニ非サレハ會議ヲ開

クコトヲ得ス

第十條 樞密院ノ會議ハ議長之ニ首席シ議長事故アルトキハ副議長之

ニ首席ス議長副議長共ニ事故アルトキハ顧問官其席次ニ依リ首席スヘ

シ

第十一條 各大臣ハ其職權上ヨリ樞密院ニ於テ顧問官タルノ地位ヲ有シ

議席ニ列シ表決ノ權ヲ有ス又各大臣ハ委員ヲ差シテ會議ニ出席シ演述

及說明ヲ爲サシムルコトヲ得但表決ノ數ニ加ラス

第十二條 樞密院ノ議事ハ多數ニ依リ之ヲ決ス但可否平等ノ場合ニ於テハ會議首席ノ決スル所ニ依ル

第十三條 議長ハ樞密院ニ屬スル一切ノ事務ヲ總管シ樞密院ヨリ發スル一切ノ公文ニ署名ス

副議長ハ議長ノ職務ヲ輔佐ス

第十四條 書記官長ハ議長ノ監督ヲ受ケ樞密院ノ常務ヲ管理シ一切ノ公文ニ副署シ會議ニ付スヘキ事項ヲ審査シテ報告書ヲ調製シ會議ニ列シ

辯明ノ任ニ當ル但表決ノ數ニ加ラス

書記官ハ會議ニ於テ議事ヲ筆記シ及書記官長ノ職務ヲ輔佐シ書記官長事故アルトキハ書記官之ヲ代理ス

前項ノ筆記ハ出席員ノ姓名會議ノ事件質問答辯及議決ノ要旨ヲ記載スルモノトス

第十四條ノ二 議長秘書官ハ議長官房ノ事務ヲ掌ル

第十四條ノ三 理事官ハ上官ノ命ヲ承ケ事務ヲ掌ル

第十五條 特別ノ場合ヲ除クノ外豫メ審査報告書ヲ調製シ其會議ニ必要ナル書類ト共ニ之ヲ各員ニ配達シタル後ニ非サレハ會議ヲ開クコトヲ得ス

議事日程及報告ハ豫メ各大臣ニ通報スヘシ

樞密院事務規程

第一條 樞密院ハ勅命ニ由リ會議ニ下付セラレタル事項ニ付意見ヲ述
フ

第二條 樞密院ハ帝國議會若クハ其一院又ハ官署又ハ臣民ヨリ請願上
書其他通信ヲ受領スルコトヲ得ス

第三條 樞密院ハ内閣及各省大臣トノミ公務上ノ交渉有シ其他官署帝
國議會又ハ臣民トノ間ニ文書ヲ往復シ又ハ其他ノ交渉ヲ有スルコトヲ
得ス

第四條 議長ハ樞密院ニ到達スルノ事項ハ書記官長ニ下付シテ之ヲ審
査セシメ及會議ニ付スヘキ事項ノ報告ヲ調製セシム

議長ハ必要ナリト認ムル場合ニ於テ親ラ報告ノ任ニ當リ又ハ顧問官一
人若クハ數人ニ之ヲ任スルコトヲ得ヘシ

第五條 審査報告書ハ報告員ヨリ之ヲ議長ニ提出スヘシ

臨時緊急ノ場合ニ於テハ口頭ヲ以テ報告ヲ爲スコトヲ得此場合ニ於テ
ハ其要領ヲ簡短ニ第八條ニ載スル件名簿ニ記入スヘシ

第六條 議長ハ審査報告書ヲ整頓スヘキ期日ヲ限定スルコトヲ得報告
ハ成ルヘク速ニ之ヲ調製シテ遷延スルコトヲ許サス

内閣ハ至急ヲ要スル事件ニ付其由ヲ通知シ及其會議ノ期日ヲ限定スル
コトヲ得

第七條 審査報告書ハ附屬文書ト共ニ其會議ヲ開クノ日ヨリ少クモ三日以前ニ之ヲ各員ニ配達スヘシ

第八條 件名簿ハ會議ノ期日ノ順序ニ從ヒ之ヲ記入スヘシ件名簿ニ登載スヘキ事項ハ第一事件ノ性質第二會議ノ前文書配達ノ日時第三其會議ノ期日等トス

會議ニ付スヘキ各件ニ就テハ前項ニ同シキ議事日程ヲ調製シ其會議ヲ開クノ日ヨリ三日以前ニ各員ニ通報スヘシ此通報ハ會議ノ招狀ヲ兼ヌルモノトス

第九條 樞密院ノ會議ノ日時ハ議長之ヲ定ム但各大臣ハ其日時ノ變更ヲ求ムルコトヲ得

第十條 樞密院ノ會議ハ左ノ規程ニ由シ議長若クハ副議長之ヲ整理スヘシ

議長ハ書記官長ヲシテ其事件ヲ辯明セシメ次テ各員ヲシテ自由ニ討論セシム何人タリト雖モ議長ノ許可ヲ受クルニ非レハ發言スルコトヲ得ス議長ノ討論ニ參與スルハ其自由ニ屬スルモノトス討論既ニ盡ルノ後ハ議長ヨリ問題ヲ定メ表決ヲ爲サシム

議決ノ結果ハ議長之ヲ言明スヘシ

第十一條 議事日程ニ掲載シタル事件ノ會議其當日ニ結了セサルトキハ之ヲ他日ニ延會スルコトヲ得此場合ニ於テハ更ニ常例ノ定式ヲ踐行ス

ルコトヲ要セス

第十二條 樞密院ノ會議ノ意見ハ書記官長又ハ書記官表決ノ結果ニ依リ之ヲ起草シ議長ノ檢閲ヲ請フヘシ此ノ意見ニハ理由ヲ附シ重要ノ事件ニ就テハ討論ノ要領書ヲ附屬スヘシ

反對ノ議論ヲ主持シタル出席員ハ其表決ト其理由トヲ議事筆記理由書又ハ要領書ニ記入セラレンコトヲ求ムルコトヲ得

第十三條 前條ノ意見ハ議長ヨリ天皇ニ上奏シ同時ニ内閣總理大臣ニ通報スヘシ

第十四條 樞密院ノ會議ノ議事筆記ハ議長及書記官長又ハ出席書記官之ニ署名シ其正確ヲ表明スヘシ

右原本ト相違ナキコトヲ證明ス

昭和二十一年三月三十日

内閣官房總務課長

◎昭和十八年十一月十七日公布勅令第八七三號

昭和十五年勅令第八百四十三號內閣官制第十條ノ規定ニ依リ
國務大臣トシテ内閣員ニ到セシメラルル者ニ關スル件中改正ノ件

勅令第八百七十三號

昭和十五年勅令第八百四十三號中左ノ通改正ス
第二項中「三人以内」ヲ「四人以内」ニ改ム

附 則

本令ハ公布ノ日ヨリ之ヲ施行ス

「参照」

昭和十五年勅令第八百四十三號

内閣官制ノ第十條ノ規定ニ依リ國務大臣トシテ内閣員ニ列セシメラ
ルル者ハ親任官トス

前項ノ規定ニ依ル者ノ員數ハ三人以内トス

右原本ト相違ナキコトヲ證明ス

昭和二十一年四月二十二日

内閣官房總務課長